

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ALEX GONZALES, SR., individually and as
“Next Friend” to minor child Z.A.G. and
ELIZABETH HERRERA, aka
ELIZABETH GONZALES,
individually and as “Next Friend” to
minor child Z.A.G.,

V.

CITY OF AUSTIN,

Defendants.

1:22-CV-655-RP

JESSICA ARELLANO, individually, and as next friend of Z.A., a minor child, wrongful death beneficiary and heir to the Estate of Alex Gonzales, Jr.,

Plaintiffs,

V.

THE CITY OF AUSTIN, GABRIEL
GUTIERREZ, and LUIS SERRATO,

Defendants.

1:23-CV-8-RP

ALEX GONZALES, SR., et al.,

Plaintiffs,

V.

LUIS SERRATO and
GABRIEL GUTIERREZ,

Defendants.

1:23-CV-9-RP

ORDER

On August 8, 2024, Plaintiff Jessica Arellano and Defendants Gabriel Gutierrez, Luis Serrato, and the City of Austin filed an agreed notice of voluntary dismissal. (Dkt. 253). In their notice, the parties dismissed without prejudice certain claims brought by Arellano in her capacity as Next Friend of Z.A. (*Id.*). The parties titled their filing as an agreed notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i). Because Defendants have already filed answers and motions for summary judgment and because all parties signed the agreed notice, the Court construes the parties' filing as a joint stipulation pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). "Stipulated dismissals under Rule 41(a)(1)(A)(ii) . . . require no judicial action or approval and are effective automatically upon filing." *Yesh Music v. Lakewood Church*, 727 F.3d 356, 362 (5th Cir. 2013).

Accordingly, **IT IS ORDERED** that the following claims are **DISMISSED WITHOUT PREJUDICE**: all claims brought against Serrato on behalf of Z.A.; all claims brought against the City of Austin on behalf of Z.A. arising out of Serrato's conduct; and all claims made on behalf of Z.A., including all claims made on behalf of the Estate of Alex Gonzales, Jr.

SIGNED on August 9, 2024.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE